



DIVERSION/DISCIPLINE COMMITTEE MEETING

AGENDA

**Four Points by Sheraton
4900 Duckhorn Drive
Sacramento, CA 95834**

March 6, 2013

Wednesday, March 6, 2013 – 1:00 p.m. to 2:00 p.m.

- 8.0 Review and Approve Minutes:**
 - January 9, 2013
- 8.1 Complaint Intake and Investigations Update**
- 8.2 Discipline and Probation Update**
- 8.3 Enforcement Statistics**
- 8.4 Diversion Program Update and Statistics**
 - 8.4.1** Diversion Evaluation Committee Member Transfer(s)
 - 8.4.2** Diversion Evaluation Committee Member Resignation(s)
- 8.5 Public Comment for Items Not on the Agenda**

NOTICE:

All times are approximate and subject to change. Items may be taken out of order to maintain a quorum, accommodate a speaker, or for convenience. The meeting may be canceled without notice. For verification of the meeting, call (916) 574-7600 or access the Board's Web Site at <http://www.rn.ca.gov>. Action may be taken on any item listed on this agenda, including information only items.

Public comments will be taken on agenda items at the time the item is heard. Total time allocated for public comment may be limited.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Administration Unit at (916) 574-7600 or email webmasterbrn@dca.ca.gov or send a written request to the Board of Registered Nursing Office at 1747 North Market #150, Sacramento, CA 95834. (Hearing impaired: California Relay Service: TDD phone # (916) 322-1700). Providing your request at least five (5) business days before the meeting will help to ensure the availability of the requested accommodation.

Board members who are not members of this committee may attend meetings as observers only, and may not participate or vote. Action may be taken on any item listed on this agenda, including information only items. Items may be taken out of order for convenience, to accommodate speakers, or maintain a quorum.



DIVERSION/DISCIPLINE COMMITTEE MINUTES

DATE: January 9, 2013

SITE: Ayres Hotel and Suites
325 Bristol Street
Costa Mesa, CA 92626

MEMBERS PRESENT: Cynthia Klein, RN, Chair
Michael Jackson, BSN, RN
Raymond Mallel

STAFF PRESENT: Louise Bailey, M.Ed., RN, Executive Officer
Stacie Berumen, Assistant Executive Officer
Beth Scott, Deputy Chief, Discipline, Probation & Diversion
Kathy Hodge, Deputy Chief, Complaint Intake and Investigations
Carol Stanford, Diversion Program Manager

The Chair called the meeting to order at approximately 9:10 a.m.

8.0 REVIEW AND APPROVE MINUTES:

Approve/Not Approve: Minutes of October 30, 2012

M/S/C: Motion by Michael Jackson, Second by Cynthia Klein, Committee approves October 30, 2012 meeting minutes.

8.1 Complaint Intake and Investigations Update

PROGRAM UPDATE

Staff

Complaint Intake: We are currently fully staffed, with the exception of two NEC positions that will cover the entire Enforcement Division. We have had difficulty filling these but plan to re-advertise the positions in the near future.

Investigations: Northern – We hired one Special Investigator position for the Fresno/Bakersfield region. She will be starting on January 22, 2013.

Southern – We hired one Special Investigator for the North LA area, also starting on January 22, 2013 and are in the final stages of filling one for the San Diego area. There will be another Special Investigator position opening in the near future for the LA/Orange County area.

Due to the number of So Cal cases and the difficulty in recruiting qualified Special Investigator candidates, we were approved to keep our retired annuitant until the end of the fiscal year.

Program - Complaints

Complaint Intake – We have cleared the backlog of older conviction complaints and have very few pending prior to September 2012. Those pending are due to court continuances.

Applicants for Licensure – Following the second letter given to nursing program directors in October 2012, we have now seen a reduction in follow-up letters of 45-50%. We will continue to work with the schools to urge applicants to include arrest records and full court dockets with their applications. Applications with complete documentation are reviewed and returned to Licensing within one week.

We continue to tighten up and streamline internal procedures with the goal of having desk manuals for each job classification.

Two of our employees are participating in the BreEZe user acceptance testing. The Enforcement division is scheduled to begin training the first week in January 2013, with a tentative BreEZe go live date of February 19, 2013. With implementation of a new computer application, we expect productivity to decline somewhat as system bugs need to be worked out and procedures are changed to accommodate the new system.

Due to the increasing numbers of fraudulent transcripts being submitted with licensing applications, the BRN is working closely with other governmental agencies to assist us in completing our investigations.

Nursys – Alerts for out of state discipline are received daily through Nursys.

The Complaint Intake Manager and Kathy Hodge trained the new board member, Jeanette Dong, on the Complaint Intake unit and complaint processing.

Investigations

Supervisors continue to work with their investigators on case plans, interview techniques, data gathering, subpoenas, and report writing templates to streamline the investigative process. The investigative management team continues to work on standardizing policies, procedures, and forms.

We continue to utilize the resources and expertise of DOI for cases that meet their investigation criteria, as well as those that are prioritized as high or urgent.

The Northern area Supervising Special Investigator and Kathy Hodge met with James Ackley, DOI Central Division Supervisor, on December 5, 2012 to make introductions and update one another on the status and concerns of the respective organizations. Both of our organizations are having difficulty obtaining documents from Kaiser Permanente without issuing a subpoena, particularly in the North. The AG's office is working with Kaiser Legal to define a process in which we will not incur lengthy delays of as much as four months. DOI remains very supportive of our investigation

efforts and has offered to accommodate our investigators with interview rooms at the DOI offices throughout the state.

We are working with DOI to determine procedurally the best way to handle drug testing, should it be required during our investigations. We will be looking into contracting with a testing lab. In preparation for future drug detection and testing, So Cal staff and management are scheduled to attend Advanced Roadside Impaired Driving Enforcement (ARIDE) training given free through the California Highway Patrol on January 29-30, 2013 in Chino, CA. Since training is readily available in the Sacramento area, No Cal staff and management will attend a similar free class once procedures are in place to perform drug testing.

Eight special investigators and Northern management staff attended a training provided by DOI on Interviewing Techniques held on November 29, 2012.

The Northern Supervising Special Investigator and Kathy Hodge trained the new board member, Jeanette Dong, on the investigation unit and issues we are facing.

We plan to present BRN investigations statistics at the March DDC meeting to give a better idea of how the unit is performing as follows:

BRN Investigation Unit	Jan 2013	Feb 2013	Mar 2013	Apr 2013	May 2013
Total cases assigned					
Total cases unassigned (pending)					
Average days to case completion					
Average cost per case					
Cases closed					

NOTE: Coding clean up in our tracking systems was completed this month. In reference to the attached performance measurements, it should be noted that investigation timeframes for BRN investigations reflects nearly two years' time when cases were being held while the new unit was being formed and staffed. Although the unit was established in July of 2011, all current special investigators, with the exception of one, and the management staff were not hired until well after January 2012. Due to the prolonged training requirements, loss of staff and case reassignments, productivity did not reach a desirable level until approximately October of 2012.

Statistics

For fiscal year 2012/13, as of November 30, 2012, we received 3,275 complaints. Projected out, it is estimated we will receive approximately 7,900 complaints by the end of this fiscal year. As of November 30, 2012, there are 702 pending DOI investigations; there are 206 assigned and 232 unassigned (pending) BRN investigations.

Please review the enforcement statistics reports in 8.3 for additional breakdown of information.

8.2 Discipline and Probation Update

PROGRAM UPDATE

Staff

The Probation Unit is fully staffed with six monitors and one Office Technician (OT).

The Discipline Unit has a vacant OT position and is currently in the process of interviewing.

The Discipline and Probation Program loses 160 hours per month of staff time due to state mandated furloughs.

Program – Discipline

Discipline will continue to audit charges from the Attorney General's (AG) offices to determine if the BRN is being charged appropriately. Our BRN research analyst also reviews AG charges seeking out anomalies for review. The Governor signed legislation which limits billing disputes with the AG's office to 45 days after a bill has been submitted for payment by an agency.

The total amount of open discipline cases are 1,839 with an average case load per analyst at 367. There are approximately 1,822 cases at the AG's office.

The Legal Support Analyst started preparing default decisions for the Sacramento Office effective October 1, 2012. The Legal Support Analyst has been working under the direction of DCA Legal Counsel to prepare default decisions for the Oakland and San Francisco AG Offices for approximately two years. We will continue to work with the AG to expand this process to include the San Diego and Los Angeles offices.

Two Discipline Analysts continue to work with the BreZE project to become trainers for all DCA Boards and Bureaus when the project goes live. The "train the trainer" phase began on December 3, and continued through December 20th. BreZE training for staff members will begin on January 7th and will continue until February 8th, with a substantial time commitment for the participants.

Our Legal Support Analyst and staff have been busy processing Decisions. For fiscal year 2013 (July 1, 2012 through December 24, 2012):

Decisions Adopted by Board	665
Pending Processing by legal support staff	24

Staff continues to increase its usage of citation and fine as a constructive method to inform licensees and applicants of violations which do not rise to the level of formal disciplinary action.

The BRN continues to issue citations for address change violations pursuant to the California Code of Regulations §1409.1. To date we have ordered \$26,700 for failure to update address change citations. The BRN website was updated with a reminder of the address change requirement.

We continue to evaluate the records for RNs that have a social security number that is issued to more than one RN in violation of Business and Professions Code §30. To date we have ordered \$15,000 for failure to provide valid social security number citations.

We have issued more citations and received more payments than any time in BRN history.

Citation information below reflects the work for fiscal year 2013 (July 1, 2012 through December 24, 2012).

Number of citations issued	406
Total fines ordered	\$136,275.00
Fines paid (amounts include payments from fines issued in prior fiscal year)	\$161,147.00
Citations pending issuance	200+

The Discipline Unit continues to work on the NURSYS discipline data comparison project (SCRUB). The status of the documents reviewed:

Referred to the Attorney General	649
Pleadings Received	519
Default Decisions Effective	212
Stipulated Decisions Effective	156
Referred to Cite and Fine	62
Closed Without Action (Action taken by CA (prior to 2000) but not reported to Nursys or information approved at time of licensure)	899

Program – Probation

Staff attended the Nurse Facilitator Meeting held by Maximus in Emeryville on December 4, 2012. The Facilitator's were receptive to the probation monitors and the information provided. Positive feedback was received from the facilitators that they have a better understanding of the probation program.

The Probation Unit met with a representative from FirstLab for training on the new format available from the system for chemical dependency drug screening. The unit also attended a Webinar on "Ethanol Biomarkers" on December 13, 2012, for assistance with analyzing positive drug screens. The AG's office was invited to the webinar to assist with the processing of our pleadings.

The case load per probation monitor is approximately 124.

AG COSTS:

As of December 24, 2012, the BRN has expended \$1,238,282 at the AG's office on the NURSYS SCRUB cases.

Statistics - Discipline

Please review additional statistical information which can be found under item 8.3.

Statistics – Probation

Below are the statistics for the Probation program from July 1, 2012 to December 20, 2012

Probation Data	Numbers	% of Active
Male	179	24%
Female	559	76%
Chemical Dependency	385	52%
Practice Case	213	28%
Mental Health	1	>1%
Conviction	139	19%
Advanced Certificates	72	9%
Southern California	377	51%
Northern California	361	49%
Pending with AG/Board	74	10%
License Revoked	14	2%
License Surrendered	38	5%
Terminated	3	>1%
Completed	15	2%
Active in-state probationers	738	
Completed/Revoked/Terminated/ Surrendered	23	
Tolled Probationers	218	

8.3 Enforcement Statistics Update

The committee reviewed the statistics for the Enforcement Division.

8.4 Diversion Program Update and Statistics

Program Update

The Diversion Program Manager and staff conducted interviews to fill the vacant Office Technician Position. There is a growing backlog of complaints as a result of lack of staff and furlough hours. Staff diligently works to process the numerous complaints received in addition to maintaining other responsibilities.

On December 4, 2012, a Nurse Support Group (NSG) Facilitator Conference was held in Emeryville, California to educate new and existing NSG facilitators about the Board of Registered Nursing's (BRN) requirements and expectations as it relates to their groups. There were 37 in attendance including 27 NSG facilitators. Mihran Ask, MD, an addictionologist, presented the latest information regarding pain management and drug addiction. The facilitators surveyed indicated the information was necessary, well received and very appreciative of the BRN and contractor for the conference.

A Diversion Evaluation Committee (DEC) member orientation was held on December 5, 2012, in Emeryville, California. This was the largest DEC member orientation held by the BRN with 9 new DEC members in attendance. The DEC members were educated on their responsibilities and instructed as to the BRN requirements and obligations to RNs in need of direction and support in recovery. Emphasis was placed on the protection of the public and the responsibility of the DEC members. Mihran Ask, MD presented extensive training on pain management and drug addiction.

Completed surveys show DEC members have over 500 years of substance abuse disorder and/or mental health experience. These healthcare professionals and staff are commended and acknowledged for their continued dedication in the field of addiction and mental health.

Contractor Update

Maximus and the BRN have been working with DCA legal throughout the year regarding the DCA contract and necessary updates to drug testing protocols and up to date technology. Virginia Matthews, Program Director, will present Maximus' 2012 year-end summary.

Diversion Evaluation Committees (DEC)

There is currently one physician vacancy at this time. Recruitment efforts continue.

Statistics

The Statistical Summary Report for October and November, 2012 is attached. As of November 30, 2012, there were 1,730 successful completions.

8.4.1 Diversion Evaluation Committee Members

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in chemical dependency and/or mental health.

TRANSFER

Below is the name of the DEC member who would like to transfer from his appointed DEC to another DEC for personal reasons.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Scott Reiter, MD	Physician	Ontario	9

Approve/Not Approve: Transfer of Diversion Evaluation Committee Member

M/S/C: Committee recommends board approve appointment.

INFORMATION ONLY:

Diversion Evaluation Committee Member Resignation for personal reasons.

NAME

David Silverman, PhD.

TITLE

Public

DEC

San Jose

NO

7

8.5 Public Comment for Items Not on the Agenda

No public comments received.

The Chair adjourned the committee meeting at approximately 10:05 a.m.

Approved: _____

DRAFT

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 8.1

DATE: March 6, 2013

ACTION REQUESTED: Information Only: Complaint Intake and Investigations Update

REQUESTED BY: Stacie Berumen, Assistant Executive Officer

BACKGROUND:

PROGRAM UPDATES

COMPLAINT INTAKE:

Staff

We held interviews for one open Office Technician position and hope to make a selection within the next week or so. Due to lack of competitive compensation, we have been unable to recruit an NEC to cover the entire Enforcement Division.

Program

Everyone in Complaint Intake has been trained on BreEZe. The training was very high level and addressed only how to navigate the screens, not how to incorporate business processes.

As yet, we do not have a new BreEZe “go live” date but anticipate it could be within the next couple of months. To ensure the least amount of unit disruption when the system is implemented, all Complaint Intake unit staff met on February 20 to go over BreEZe system functionality. We mapped the business processes and system interaction and identified new procedures required to support unit tasks. Staff has been instructed to practice using the system two hours each day for the next week, with additional hands on group training and procedure writing sessions planned in the near future.

Having procedures in place and staff fully familiar with their new business processes is essential and has taken top priority. Therefore, as we turn our full attention to preparing for the new system, complaint intake productivity will suffer greatly - possibly for the next several weeks, thereby creating large backlogs.

Statistics

For fiscal year 2012/13, as of January 31, 2013, we received 4,544 complaints. Projected out, it is estimated we will receive approximately 7,790 complaints by the end of this fiscal year. The average time to close a complaint not referred to discipline went from 164 days in July 2012 to 116 days.

INVESTIGATIONS:

Staff

Northern – We hired one Special Investigator position for the Fresno/Bakersfield region. She started on January 22, 2013. The North is now fully staffed with seven special investigators.

Southern – We have one open investigator position for the LA/Orange County area and are holding

interviews the week of March 4th. There will be another investigator position opening in the near future for the LA area.

Due to the number of So Cal cases and the difficulty in recruiting qualified Special Investigator candidates, we were approved to keep our retired annuitant until the end of the fiscal year.

Program

Both DOI and BRN Investigations have issued subpoenas to facilities unwilling to give us documents for our investigations. Some of these facilities continue to be non-compliant with subpoenas and we have forwarded them to the Attorney General's office to obtain court orders to enforce compliance.

In preparation for potential drug testing, our So Cal investigators completed Advanced Roadside Impaired Driving Enforcement (ARIDE) training, given free through the California Highway Patrol, on January 29-30, 2013 and No Cal is scheduled to attend the same training in Folsom, CA on March 7-8. Our plan is to use the mobile testing services from First Lab when it becomes available through the BRN Probation Unit.

Statistics

The following are internal numbers (end of month) across all investigators not broken out on the performance measurement report. Total cases unassigned reflect the loss of 32 cases pulled and sent back to DOI for investigation.

BRN Investigation Unit	Jan 2013	Feb 2013	Mar 2013	Apr 2013	May 2013	Jun 2013
Total cases assigned	268					
Total cases unassigned (pending)	135					
Average days to case completion	293					
Average cost per case	\$4,223					
Cases closed	19					

As of January 31, 2013, there were 677 pending DOI investigations.

Please review the enforcement statistics reports in 8.3 for additional breakdown of information.

NEXT STEP:

Continue filling vacant positions. Continue to review and adjust internal processes and monitor statistics for improvement in case processing time frames. Prepare for BreEZe implementation. Follow directions given by committee and/or board.

FINANCIAL IMPLICATION, IF ANY:

None at this time. Updates will be provided at each DDC meeting for review and possible action.

PERSON TO CONTACT:

Kathy Hodge, RN
Deputy Chief, Complaints and Investigations
(916) 574-7678

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 8.2

DATE: March 6, 2013

ACTION REQUESTED: Information Only: Discipline and Probation Update

REQUESTED BY: Stacie Berumen, Assistant Executive Officer

BACKGROUND:

PROGRAM UPDATE

Staff

The Probation Unit is fully staffed with six monitors and one Office Technician (OT).

The Discipline Unit is fully staffed with 5 case analysts, 2 legal support analysts, 1 cite and fine analyst and 2 OTs.

The Discipline and Probation Programs lose 160 hours per month of staff time due to state mandated furloughs.

Program – Discipline

Discipline will continue to audit charges from the Attorney General's (AG) offices to determine if the BRN is being charged appropriately. Our BRN research analysts also review AG charges seeking out anomalies for review.

The total amount of open discipline cases are 1,836 with an average case load per analyst at 367. There are approximately 1,933 cases at the AG's office.

The Legal Support Analyst started preparing default decisions for the Sacramento Office effective October 1, 2012. The Legal Support Analysts have been working under the direction of DCA Legal Counsel to prepare default decisions for the Oakland and San Francisco AG Offices for approximately two years. We will continue to work with the AG to expand this process to include the San Diego and Los Angeles offices.

Our Legal Support Analyst and staff have been busy processing Decisions. For fiscal year 2013 (July 1, 2012 through February 20, 2013):

Decisions Adopted by Board	830
Pending Processing by legal support staff	76

Staff continues to increase its usage of citation and fine as a constructive method to inform licensees and applicants of violations which do not rise to the level of formal disciplinary action.

The BRN continues to issue citations for address change violations pursuant to the California Code of Regulations §1409.1. To date we have ordered \$26,700 for failure to update address change citations. The BRN website was updated with a reminder of the address change requirement.

We have issued more citations and received more payments than any time in BRN history.

Citation information below reflects the work for fiscal year 2013 (July 1, 2012 through February 20, 2013).

Number of citations issued	476
Total fines ordered	\$178,100.00
Fines paid (amounts include payments from fines issued in prior fiscal year)	\$274,350.00
Citations pending issuance	496

The Discipline Unit continues to work on the NURSYS discipline data comparison project (SCRUB). The status of the documents reviewed:

Referred to the Attorney General	676
Pleadings Received	539
Default Decisions Effective	222
Stipulated Decisions Effective	161
Referred to Cite and Fine	64
Closed Without Action (Action taken by CA (prior to 2000) but not reported to Nursys or information approved at time of licensure)	922

Program – Probation

On February 21 and 22, staff attended the Medical and Pharmacy Boards “Joint Forum to Promote Appropriate Prescribing and Dispensing” a free training offered in San Francisco.

The case load per probation monitor is approximately 121.

AG COSTS:

As of January 31, 2013, the BRN has expended \$1,298,620 at the AG’s office on the NURSYS SCRUB cases.

Statistics - Discipline

Please review additional statistical information which can be found under item 8.3.

Statistics – Probation

Below are the statistics for the Probation program from July 1, 2012 to February 19, 2013

Probation Data	Numbers	% of Active
Male	179	24%
Female	546	76%
Chemical Dependency	372	52%
Practice Case	212	28%
Mental Health	1	>1%
Conviction	140	19%
Advanced Certificates	72	9%
Southern California	364	51%
Northern California	361	49%
Pending with AG/Board	90	12%
License Revoked	18	2%
License Surrendered	53	6%
Terminated	6	>1%
Completed	27	2%
Active in-state probationers	725	
Completed/Revoked/Terminated/ Surrendered	104	
Tolled Probationers	217	

NEXT STEP:

Follow directions given by committee and/or board.
Regain ability to prepare all default decisions.

FINANCIAL IMPACT, IF ANY:

AG's budget line item will be closely monitored.
Updates will be provided at each DDC meeting for review and possible action.

PERSON TO CONTACT:

Beth Scott, Deputy Chief of Discipline, Probation, and Diversion
(916) 574-8187

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 8.3

DATE: March 6, 2013

ACTION REQUESTED: Information Only: Enforcement Division Statistics

REQUESTED BY: Stacie Berumen, Assistant Executive Officer

BACKGROUND:

Attached you will find statistics for the Enforcement Division. Please review the information provided.

NEXT STEP: Updates will be provided to the committee and board at each meeting. Follow directions given by committee and/or board.

FINANCIAL IMPLICATION, IF ANY: None at this time

PERSON TO CONTACT: Kathy Hodge, Deputy Chief of Complaint Intake and Investigations
(916) 574-7678

Beth Scott, Deputy Chief of Discipline, Probation and Diversion
(916) 574-8187

BOARD OF REGISTERED NURSING
ENFORCEMENT MEASURES
FOR ALL IDENTIFIERS
07/01/2012 THRU 01/31/2013

COMPLAINT INTAKE

COMPLAINTS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
RECEIVED	158	401	308	204	150	196	136	1553
CLOSED W/O INV ASSIGNMENT	32	44	26	47	52	29	42	272
ASSIGNED FOR INVESTIGATION	101	349	298	185	154	112	149	1348
AVG DAYS TO CLOSE OR ASSIGN	22	6	10	48	21	10	39	20
PENDING	157	165	149	121	65	120	65	65
CONVICTIONS/ARREST REPORTS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
RECEIVED	510	406	360	400	382	506	434	2998
CLSD/ASSGND FOR INVESTIGATION	497	338	401	399	423	475	454	2987
AVG DAYS TO CLOSE OR ASSIGN	4	8	9	14	10	6	39	13
PENDING	81	149	108	109	68	99	79	79
TOTAL INTAKE	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
RECEIVED	668	807	668	604	532	702	570	4551
CLOSED W/O INV ASSIGNMENT	50	49	33	65	62	40	56	355
ASSIGNED FOR INVESTIGATION	580	682	692	566	567	576	589	4252
AVG DAYS TO CLOSE OR ASSIGN	8	7	10	27	13	7	39	16
PENDING	238	314	257	230	133	219	144	144

BOARD OF REGISTERED NURSING
ENFORCEMENT MEASURES
FOR ALL IDENTIFIERS
07/01/2012 THRU 01/31/2013

INVESTIGATIONS

DESK INVESTIGATIONS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
ASSIGNMENTS	581	679	693	565	566	576	592	4252
CLOSED	642	687	683	836	745	680	726	4999
AVERAGE DAYS TO CLOSE	159	139	145	138	120	128	96	132
PENDING	3531	3446	3401	3028	2787	2632	2452	2452
FIELD INVESTIGATIONS:NON-SWORN	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
ASSIGNMENTS	8	23	30	44	15	11	24	155
CLOSED	14	2	12	10	19	16	33	106
AVERAGE DAYS TO CLOSE	988	766	694	726	634	710	839	774
PENDING	460	480	498	531	527	522	484	484
FIELD INVESTIGATIONS:SWORN	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
ASSIGNMENTS	46	53	23	64	47	40	48	321
CLOSED	79	67	72	72	68	68	55	481
AVERAGE DAYS TO CLOSE	639	588	575	636	697	568	561	611
PENDING	802	794	745	733	713	685	678	678
ALL INVESTIGATIONS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
FIRST ASSIGNMENTS	581	682	693	566	567	576	592	4257
CLOSED	735	756	767	918	832	764	814	5586
AVERAGE DAYS TO CLOSE	227	180	194	183	179	179	158	185
PENDING	4793	4720	4644	4292	4027	3839	3614	3614
ALL INVESTIGATIONS AGING	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
UP TO 90 DAYS	403	420	420	488	462	428	539	3160
91 TO 180 DAYS	60	91	105	147	140	92	60	695
181 DAYS TO 1 YEAR	96	104	69	129	82	92	76	648
1 TO 2 YEARS	123	96	125	104	113	114	92	767
2 TO 3 YEARS	37	42	40	32	25	29	39	244
OVER 3 YEARS	16	3	8	17	10	9	8	71
CLOSED W/O DISCIPLINE REFERRAL	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
CLOSED	533	565	558	677	616	569	660	4178
AVERAGE DAYS TO CLOSE	164	137	135	140	134	130	116	136

BOARD OF REGISTERED NURSING
ENFORCEMENT MEASURES
FOR ALL IDENTIFIERS
07/01/2012 THRU 01/31/2013

ENFORCEMENT ACTIONS

AG CASES	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
AG CASES INITIATED	145	146	165	194	177	157	115	1099
AG CASES PENDING	1520	1484	1555	1673	1762	1846	1867	1867
SOIs/ACCUSATIONS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
SOIs FILED	13	13	7	18	10	15	11	87
ACCUSATIONS FILED	71	48	75	107	80	86	60	527
SOI DECISIONS/STIPS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
PROP/DEFLT DECISIONS	8	9	4	1	3	3	10	38
STIPULATIONS	0	14	7	10	7	2	5	45
ACC DECISIONS/STIPS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
PROP/DEFLT DECISIONS	35	74	14	18	15	22	40	218
STIPULATIONS	47	56	57	26	48	41	32	307
SOI DISCIPLINARY ORDERS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
SOI FINAL ORDERS (DEC/STIPS)	8	23	11	11	10	5	15	83
AVERAGE DAYS TO COMPLETE	611	539	549	513	593	545	592	560
ACC DISCIPLINARY ORDERS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
ACC FINAL ORDERS (DEC/STIPS)	82	130	71	44	63	63	72	525
AVERAGE DAYS TO COMPLETE	757	728	864	829	826	734	809	783
TOTAL DISCIPLINARY ORDERS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
TOTAL FINAL ORDERS (DEC/STIPS)	90	153	82	55	73	68	87	608
TOTAL AVERAGE DAYS TO COMPLETE	744	700	822	766	794	720	772	753
TOTAL ORDERS AGING	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
UP TO 90 DAYS	0	0	0	0	0	0	0	0
91 TO 180 DAYS	0	0	0	0	0	0	1	1
181 DAYS TO 1 YEAR	5	12	3	7	8	3	7	45
1 TO 2 YEARS	50	90	35	21	29	39	42	306
2 TO 3 YEARS	24	30	30	15	21	20	26	166
OVER 3 YEARS	11	21	14	12	15	6	11	90
SOIs WDRWN DSMSSD DCLND	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
SOIs WITHDRAWN	0	2	1	3	0	1	0	7
SOIs DISMISSED	0	0	0	0	0	0	0	0
SOIs DECLINED	0	0	0	0	0	0	0	0
AVERAGE DAYS TO COMPLETE	0	222	333	474	0	679	0	411
ACCUSATIONS WDRWN DSMSSD DCLND	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
ACCUSATIONS WITHDRAWN	0	2	1	2	0	0	2	7
ACCUSATIONS DISMISSED	0	0	0	1	0	0	0	1
ACCUSATIONS DECLINED	1	1	5	7	4	3	1	22
AVERAGE DAYS TO COMPLETE	901	1014	563	432	550	648	854	612

NO DISCIPLINARY ACTION	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
CLOSED W/O DISCIPLINARY ACTION	1	1	0	5	7	0	1	15
AVERAGE DAYS TO COMPLETE	51	662	0	402	355	0	61	351
CITATIONS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
FINAL CITATIONS	37	77	95	115	75	18	26	443
AVERAGE DAYS TO COMPLETE	571	258	167	152	177	652	364	245
OTHER LEGAL ACTIONS	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
INTERIM SUSP ORDERS ISSUED	0	0	0	2	0	0	0	2
PC 23 ORDERS ISSUED	1	3	0	1	1	1	0	7

BOARD OF REGISTERED NURSING
PERFORMANCE MEASURES
FOR ALL IDENTIFIERS
07/01/2012 THRU 01/31/2013

PERFORMANCE MEASURES

	JUL-12	AUG-12	SEP-12	OCT-12	NOV-12	DEC-12	JAN-13	YTD
PM1: COMPLAINTS VOLUME	158	401	308	204	150	196	136	1553
PM1: CONV/ARREST RPRTS VOLUME	510	406	360	400	382	506	434	2998
PM2: CYCLE TIME-INTAKE	8	7	10	27	13	7	39	16
PM3: CYCLE TIME-NO DISCIPLINE	164	137	135	140	134	130	116	136
PM4: CYCLE TIME-DISCIPLINE	736	700	822	736	756	720	764	743

PM1: COMPLAINTS VOLUME - PM1: CONV/ARREST RPRTS VOLUME

Number of Complaints and Convictions/Arrest Orders Received within the specified time period.

PM2: CYCLE TIME-INTAKE

Average Number of Days to complete Complaint Intake during the specified time period.

PM3: CYCLE TIME-NO DISCIPLINE

Average Number of Days to complete Complaint Intake and Investigation steps of the Enforcement process for Closed Complaints not resulting in Formal Discipline during the specified time period.

PM4: CYCLE TIME-DISCIPLINE

Average Number of Days to complete the Enforcement process (Complaint Intake, Investigation, and Formal Discipline steps) for Cases Closed which had gone to the Formal Discipline step during the specified time period.

CALIFORNIA BOARD OF REGISTERED NURSING ENFORCEMENT STATISTICS

January 31, 2013

STATISTICAL DESCRIPTION	2008-09	2009-10	2010-11	2011-12	2012-13*	Projected FY 2012-13
Complaints Received	5,794	7,483	7,977	7,844	4,551	7,802
Consumer Complaints	3,323	2,190	3,063	2,735	1,553	2,662
Convictions/Arrests	2,471	5,293	4,914	5,109	2,998	5,139
Referred to Diversion Program	400	604	368	1,053	497	852
Division of Investigation (Sworn)-Assigned	582	484	835	693	321	550
Division of Investigation Closed	748	1,015	716	648	481	825
Division of Investigation Pending	1,170	641	789	851	678	
BRN Investigations (Non Sworn)-Assigned		58	33	298	155	266
BRN Investigations Closed		14	53	27	106	182
BRN Investigations Pending		40	25	280	484	
BRN Desk Investigations Assigned	5,650	7,865	7,409	7,204	4,252	7,289
BRN Desk Investigations Closed	3,519	7,116	6,668	5,925	4,999	8,570
BRN Desk Investigations Pending	1,677	1,887	2,137	3,029	2,452	
Criminal Actions Filed	22	21	16	9	1	2
Total Cite and Fine Citations Issued	115	181	105	412	443	759
Referred to Attorney General	515	766	1,190	944	1,099	1,884
Cases Pending at Attorney General	692	838	1,198	1,448	1,825	
Petitions to Revoke Probation Filed	59	91	61	55	38	65
Accusations Filed	359	696	913	589	527	903
Statements of Issues Filed	14	13	52	132	87	149
Total Pleadings	432	800	1,026	776	652	1,118
Orders to Compel Examination (Sec. 820)	4	4	10	12	6	10
Interim Suspension Order	2	8	1	0	1	2
PC23	8	6	7	8	7	12
Applicant Disciplinary Actions:						
(a) License Denied	15	27	55	72	41	70
(b) License Issued on Probation	4	9	14	43	53	91
Total, Applicant Discipline	19	36	69	115	94	161
Licensee Disciplinary Actions:						
(a) Revocation	131	243	273	227	175	300
(b) Probation	139	176	267	225	185	317
(c) Suspension/Probation	6	1	6	3	1	2
(d) License Surrendered	79	92	155	128	117	201
(e) Public Reprimand/Reproval	8	12	37	79	45	77
(f) Decisions Other	5	2	5	3	2	3
Total, Licensee Discipline	368	526	743	665	525	900
Process Used for Discipline (licensees)						
(a) Administrative Hearing	56	58	102	121	79	135
(b) Default Decision	105	206	217	183	139	238
(c) Stipulation	207	262	424	361	307	526
Total	368	526	743	665	525	900

*Fiscal Year to Date

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 8.4

DATE: March 6, 2013

ACTION REQUESTED: Information Only: Diversion Program Update

REQUESTED BY: Stacie Berumen, Assistant Executive Officer

BACKGROUND:

Program Update

The Diversion Program has filled their vacant Office Technician Position with Kim Poston. She was most recently employed as a health aid at an elementary school for 6 years. This is her first state service appointment. Due to lack of support staff and furlough hours the backlog of complaints has increased. She has diligently worked to help alleviate the backlog and has processed over 200 complaints since she began her employment with the BRN at the end of December. The Program is now processing January complaints and should be totally caught up within the next 30 days.

On February 21 and 22nd, the Program Manager, Carol Stanford and the Deputy Chief of Discipline, Probation and Diversion, Beth Scott attended the California Medical and Pharmacy Boards' Joint Forum to Promote Appropriate Prescribing and Dispensing. The topics included, but were not limited to: information relating to public policy surrounding prescription drug abuse, prescription drug trafficking, abuse and diversion of narcotics, California's Prescription Drug Monitoring Program (CURES) and what to do when your patients are addicted. There were guest speakers from the White House, Drug Enforcement Agency, Criminal Justice Department, District Attorney and Attorney General's Office, the Emergency Medical Services, hospitals and the Medical and Pharmacy Boards. The information obtained was very educational. Training materials from the forum will be available on the Medical Board and Pharmacy Board's website at a later date.

Due to the prescription drug abuse epidemic and changes in many of the illegal drugs used by healthcare professionals, the Department of Consumer Affairs' (DCA) Diversion Program Managers along with DCA's legal staff met with Maximus and approved a more extensive and updated drug testing protocol. The new panel has been in place for a couple months and the program is monitoring the results to determine if there are any increases in positive tests. The panel change brought about a slight increase in testing fees which had already been accounted for in the DCA contract.

Contractor Update

Maximus is recruiting for a vacant clinical case manager position. As our Diversion Program numbers increase, this position becomes more vital. They are aggressively advertising for a qualified nurse to fulfill this vacant position.

Maximus is also contracted to do continual outreach presentations in the healthcare community. This is sometimes done in conjunction with BRN staff and has increased public awareness about the Diversion program to nursing programs and hospital staff personnel. Some of the comments on the evaluations the program has been receiving as a result of these presentations are, “Wonderful presentation.” “Excited to hear there is a program like this for healthcare professionals.” “Perhaps if there were a website or more advertisement out to the healthcare industry more healthcare professionals could utilize the program.” “Thanks for presenting this area...often overlooked...” This is a major component of the Maximus contract which we look forward to expanding in the near future.

Diversion Evaluation Committees (DEC)

Four nursing students from Samuel Merritt College attended the Diversion Evaluation Committee’s open session in the Bay Area. The committee members discussed the Diversion Program with the students and explained the Board’s disciplinary processes. BRN staff and the committee were able to answer the students’ questions and help them distinguish the difference between Diversion and Probation.

There are currently four vacancies at this time: one public, one registered nurse, and two physician positions. Recruitment efforts continue.

Statistics

The Statistical Summary Report for December 2012 and January 2013 is attached. As of January 31, 2013, there were 1,736 successful completions.

NEXT STEP:	None
FINANCIAL IMPLICATION, IF ANY:	None at this time. Updates will be provided at each DDC meeting for review and possible action.
PERSON TO CONTACT:	Carol Stanford, Diversion Program Manager (916) 574-7616

**BOARD OF REGISTERED NURSING
DIVERSION PROGRAM
STATISTICAL SUMMARY
December 1, 2012 - January 31, 2013**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
INTAKES COMPLETED	24	116	4,570
INTAKE INFORMATION			
Female	21	97	3,582
Male	3	19	961
Unknown	0	0	27
Average Age	35-39		
Most Common Worksite	Hospital		
Most Common Specialty	Med-Surg		
Most Common Substance Abused	Alcohol		
PRESENTING PROBLEM AT INTAKE			
Substance Abuse (only)	11	52	2,928
Mental Illness (only)	2	4	151
Dual Diagnosis	10	55	1,439
Undetermined	1	5	52
REFERRAL TYPE*			
Board	17	90	3,287
Self	7	26	1,283
*May change after Intake			
ETHNICITY (IF KNOWN) AT INTAKE			
American Indian/Alaska Native	1	2	33
Asian/Asian Indian	3	7	99
African American	1	2	141
Hispanic	2	10	180
Native Hawaiian/Pacific Islander	0	0	19
Caucasian	16	93	3,767
Other	1	2	65
Not Reported	0	0	266
CLOSURES			
Successful Completion	6	67	1,736
Failure to Derive Benefit	0	2	117
Failure to Comply	2	8	946
Moved to Another State	0	0	51
Not Accepted by DEC	1	1	48
Voluntary Withdrawal Post-DEC	3	6	309
Voluntary Withdrawal Pre-DEC	1	7	450
Closed Public Risk	1	9	255
No Longer Eligible	0	3	13
Clinically Inappropriate	1	5	17
Client Expired	0	0	38
Sent to Board Pre-DEC	0	0	1
TOTAL CLOSURES	15	108	3,981
NUMBER OF PARTICIPANTS: 462 (as of January 31, 2013)			

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 8.4.1

DATE: March 6, 2013

ACTION REQUESTED: Information Only: Diversion Evaluation Committee Transfer

REQUESTED BY: Stacie Berumen, Assistant Executive Officer

BACKGROUND:

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in chemical dependency and/or mental health.

TRANSFER

Below is the name of the DEC member who would like to transfer from his appointed DEC to another DEC for personal reasons.

<u>NAME</u>	<u>TITLE</u>	<u>From DEC</u>	<u>NO</u>	<u>To DEC</u>	<u>NO</u>
Scott Reiter,	Physician	Ontario	9	L.A.	3
Barry Solof,	Physician	San Jose	7	Ontario	9

NEXT STEP: Continue recruiting efforts

FINANCIAL IMPLICATION, IF ANY: None at this time

PERSON TO CONTACT: Carol Stanford, Diversion Program Manager
(916) 574-7616

BOARD OF REGISTERED NURSING
Diversion/Discipline Committee
Agenda Item Summary

AGENDA ITEM: 8.4.2

DATE: March 6, 2013

ACTION REQUESTED: Information Only: Diversion Evaluation Committee Resignation

REQUESTED BY: Stacie Berumen, Assistant Executive Officer

BACKGROUND:

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in chemical dependency and/or mental health.

RESIGNATION

Diversion Evaluation Committee Member Resignation for personal reasons.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Romana Zvereva,	Physician	Los Angeles	3
Glenn Wedeen	Physician	Ontario	9

NEXT STEP: Continue recruiting efforts

FINANCIAL IMPLICATION, IF ANY: None at this time

PERSON TO CONTACT: Carol Stanford, Diversion Program Manager
(916) 574-7616